Remarks:

Applicant has studied the Office Action dated 08/11/2005. Claims 1-4, 10-14 and 20 have been rejected under 35 U.S.C. 102(e) as being anticipated by Benco et al., U.S. Publication No. 2005/0085225. Claims 5, 6, 15 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatenable over Benco et al. in view of Tachibana et al., U.S. Publication No. 2001/0029529 A1. Claims 7, 8, 17 and 18 are rejected further view of Hoshino et al. U.S. Publication No. 2004/0006572 A1. Claims 9 and 19 are rejected in further view of Beadles et al. U.S. Publication No. 2003/0037040 A1.

Applicant has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1 and 11 have been amended and claims 4-6 and 14-16 have been canceled. No new matter has been added. Support for the amendments is found within the claims, the specification and the drawings, and particularly in par. [0006] of the specification. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§102 Rejection(s):

The Examiner has rejected Claims 1-4, 10-14 and 20 as anticipated by Benco. It is respectfully noted that anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

As amended, claims 1 and 11 recite a method or system for updating database records associated with configuration data stored in a mobile device in a mobile communication network. The method comprises determining if the configuration data stored in the mobile device has been modified by an end user. The configuration data is used by a processor of the mobile device to *identify, process and route communication signals between the mobile device and one or more communication stations.* The configuration data is transmitted to a server system for updating respective records of a database in the mobile communication network, in response to the configuration data *being modified in the mobile device.*

The updating of the respective records of the database comprises: *comparing* the configuration data with the respective records of the database; transmitting the configuration data to the server system, *if it is determined that the configuration data is different from that stored in the respective records of the*

databases; and *replacing* at least one record in the database based on the modified configuration data, such that a customer service agent can access the database records to determine the mobile device's configuration for *trouble shooting* purposes. .

In contrast, Benco is directed to over the air programming of mobile devices and problems associated with updating contact information stored in an "old phone" to a "new phone" (see pars. [0006], [0008], [0012]). Examiner contends that par [0043] of Benco suggests a method of updating configuration data related to system information such as APN, SMSC, IP address, SID, as recited in claims 10 and 20.

Applicant respectfully disagrees. Benco fails to suggest updating any configuration data that can be used by a processor of the mobile device to <u>identify, process and route communication signals between the mobile device and one or more communication stations in the mobile communication network</u> as recited in amended claims 1 and 11. Neither Benco nor any of the other references suggest that configuration data can include APN, SMSC, IP address, SID of a mobile communication device.

More particularly, Benco is directed to a method for "synchronizing" user data such as contact information in an address book. (see [p. 0029] of Benco). Conversely, the claimed invention is directed to verifying accuracy of system data, when such data is accidentally changed by an end user. Further, Benco teaches away from the recited elements in claims 1 and 11, namely "<u>comparing the configuration data with the respective records of the database;</u> and <u>transmitting the configuration data to the server system, if it is determined that the configuration data is different from that stored in the respective records of the databases.</u>

For example, Benco in par. [0025] suggests causing "the mobile configuration data to be updated in the network subscriber database and then be downloaded to the mobile subscriber's handset." This is a process step that is reverse of the process step recited in claims 1 and 11. As another example, in par. [0026], Benco suggests using a PC-based application to locally reconfigure data on the mobile station and sending "the new configuration data to the network subscriber database" without first comparing the data with the records of the database. This is also a teaching that is in direct opposition to the above noted recitations in claims 1 and 11 for "comparing" the configuration data and "transmitting" it to the server system, "<u>if it is determined that the configuration data is different from that stored in the respective records of the databases.</u>"

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Since Benco fails to disclose at least one of the recited elements in the amended claims in as complete detail and arrangement as is contained in the claims, rejection of independent claims 1 and 11 and the claims depending on claims 1 and 11 under § 102 would be improper and should be withdrawn.

§103 Rejection(s):

Claims 5, 6, 15 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatenable over Benco in view of Tachibana. Claims 7, 8, 17 and 18 are rejected further view of Hoshino. Claims 9 and 19 are rejected in further view of Beadles. The Examiner contends that it would have been obvious to combine the cited references to teach the claimed invention.

The Examiner, however, has failed to provide any "motivation" for the combination of references or indicate how such combination would lead to achievement of the result contemplated by the claimed invention. This rejection is therefore respectfully traversed in light of the amendments to claims 1 and 11, for same reasons discussed above, and as provided in further detail below.

Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining the teachings." In re Sernaker, 217 USPQ 1, 6 (Fed. Cir. 1983). In the instant case, neither of the references either implicitly or explicitly suggest the alleged combination or suggest any motivation or advantage for doing the same.

Benco is directed to over the air programming of mobile devices and problems associated with updating contact information stored in an old phone to a new phone (pars. [0006], [0008] and [0012]). Examiner contends that par [0043] suggest a method of updating configuration data related to system information such as APN, SMSC, IP address, SID, as claimed. Respectfully, as provided earlier, Benco fails to suggest updating any configuration data that can be used by a processor of the mobile device to identify, process and route communication signals between the mobile device and one or more communication stations in the mobile communication network as recited in amended claims 1 and 11. Further, neither of the cited references cures the above-noted deficiencies of Benco with respect to amended claims 1 and 11.

Tachibana is directed to a method for remotely maintaining terminals connected in a data network (see Abstract) and is unrelated to *mobile communication networks*, as claimed. Hoshino and Beadles are directed to management of storage devices (i.e., disk drives) and are distinguishable from the claimed invention in that they are unrelated to *mobile communication networks*. Hoshino and Beadles are

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particularly non-analogous art because the two references relate to methods for allowing system administrators establishing a "policy" based on which devices can connect to a data network. In contrast, the claimed invention is directed to monitoring an "end user" action for directly changing the configuration of a mobile communication device and preventing any changes that can result in the device not operating properly.

Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,[1] or alternatively provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.[2] Respectfully, unless Examiner satisfies the above request, a prima facie case of obviousness cannot be established based on a mere allegation that the references can be combined.

Furthermore, it is respectfully submitted that the cited prior art references cannot be combined to teach the claimed invention. And, even if one is modified in accordance to the teaching of the other, the resultant modification would be an impractical or inoperable combination. It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

For example, Benco requires changing the configuration data stored on a mobile device. But Hoshino and Beadles teach away from this by allowing changes to be made not directly by a "user" but based on policies set by a "system administrator." Further, in order to modify Benco in accordance with the teachings of Tachibana, Hoshino and Beadles, a person will have to be highly educated and trained on how the different networks and the respective distinct technologies in each reference operate, in order to be able to apply the teachings of one to another, if at all possible.

"In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

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1 *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).
2 "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner."

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In light of the above mandate by the Federal Circuit and considering the intricate nature of the various technologies (wireless mobile networks, wired maintenance network, storage area network) used in each reference, and referring to Figure 1 of Benco, Figure 15 of Tachibana, Figure 1 of Hoshino and Figures 2A and 2B of Beadles, a person reasonably skilled in the art would agree that each of the cited systems are mutually distinct, independently complex and cannot be easily modified to work with each other, contrary to what has been suggested by the Examiner.

For the above reasons, the invention as recited in the amended claim 1 and 11 is distinguishable over the references cited by the Examiner. Therefore claims 1 and 11 should be in condition for allowance. Claims 2-3 and 7-10 are dependent on claim 1; claims 12-13 and 17-20 are dependent on claim 11. Each set of dependent claims should also be in condition for allowance by the virtue of their dependence on allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number [310] 789 2100 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: January 11, 2006

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